

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:06-cr-00098-02

DOROTHY ANN OILER,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is a motion filed by Defendant Dorothy Ann Oiler, *pro se*, to correct an alleged Sentencing Guidelines calculation error pursuant to 18 U.S.C. § 3582(c)(2) [ECF 340]. By Order entered July 17, 2013, this motion was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation for disposition (PF&R). In his PF&R filed July 24, 2013, Magistrate Judge VanDervort recommended that this Court deny the motion.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Defendant's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not

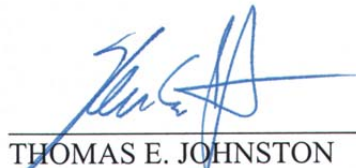
direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Here, objections to the PF&R were due on August 12, 2013. To date, no objections have been filed.

The Court therefore **ADOPTS** the PF&R [ECF 345] and **DENIES** Defendant's motion [ECF 340].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: October 22, 2013

A handwritten signature in blue ink, appearing to read "Thomas E. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE